
UTAH LABOR COMMISSION

MICHAEL MORROW,

Petitioner,

vs.

KENNECOTT HOLDING CORP,

Respondent.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 03-0619

Michael Morrow asks the Utah Labor Commission to review Administrative Law Judge Marlowe's decision regarding Mr. Morrow's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to § 63G-4-301 of the Utah Administrative Procedures Act and § 34A-2-801(3) of the Utah Workers' Compensation Act.

BACKGROUND AND ISSUE PRESENTED

Mr. Morrow claims workers' compensation benefits against Kennecott Holding Corp., for genitourinary problems allegedly caused by a work accident at Kennecott on August 30, 1998. Judge Marlowe held an evidentiary hearing on Mr. Morrow's claims, referred the matter to an impartial panel of medical experts, and then conducted supplemental proceedings as directed by the Commission's previous order of remand in this matter. Judge Marlowe then issued her decision of November 26, 2008. Judge Marlowe's order required Kennecott to pay the reasonable cost of medical attention necessary to investigate the cause of Mr. Morrow's condition. However, Judge Marlowe denied Mr. Morrow's claim on the grounds that the preponderance of medical evidence failed to establish a medical causal connection between Mr. Morrow's work accident and his current medical problems.

Mr. Morrow now asks the Commission to review Judge Marlowe's decision. Mr. Morrow argues that the preponderance of the medical evidence, and particularly the opinion of his treating physician, establishes that Mr. Morrow's work accident caused his medical problems.

FINDINGS OF FACT

The Commission adopts Judge Marlowe's findings of fact. In summary, on August 30, 1998, while Mr. Morrow was working for Kennecott, a barrel exploded. Mr. Morrow sustained injuries to his lower extremities, including laceration and bruising of the groin area. On June 17, 2003, Mr. Morrow filed a claim for workers' compensation benefits for genitourinary difficulties and other problems.

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Judge Marlowe referred Mr. Morrow's claim of genitourinary problems to an independent panel of medical experts. The panelists reviewed Mr. Morrow's medical records, personally examined Mr. Morrow, and considered the opinions expressed by other medical experts. The panel then concluded that Mr. Morrow's work accident did not cause his genitourinary problems. Judge Marlowe accepted the panel's opinion and, except for medical expenses incurred in diagnosing Mr. Morrow's condition, denied Mr. Morrow's claim.

DISCUSSION AND CONCLUSION OF LAW

The only issue before the Commission is whether there is a medical connection between Mr. Morrow's genitourinary problems and his work accident at Kennecott. The Commission has carefully reviewed the medical record and agrees with Judge Marlowe that the medical panel's opinion is persuasive. The panel was not affiliated with either party. It had access to all Mr. Morrow's medical records and diagnostic studies. The panel had the opportunity to consider all previous medical opinions, and to personally examine Mr. Morrow. The panel's reports are comprehensive, well-supported and well-reasoned. And, although Mr. Morrow asserts that the medical opinion of his own physician should be given greater weight, the Commission is of the opinion that the panel reports are the most comprehensive and accurate assessment of Mr. Morrow's medical condition. The Commission therefore accepts the panel's opinion and finds no causal connection between Mr. Morrow's genitourinary problems

ORDER

The Commission affirms Judge Marlowe's decision. It is so ordered.

Dated this 25th day of February, 2009.

Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.